

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2014 Trafficking in Persons Report

Tier 2 Watch List

Sri Lanka is primarily a source and, to a lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Some of the Sri Lankan men, women, and children who migrate to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Egypt, Lebanon, Iraq, Afghanistan, Malaysia, Singapore, Mauritius, and the United States to work as construction workers, domestic servants, or garment factory workers are subsequently subjected to forced labor. Exploiters hold these migrants in forced labor through restrictions on movement, withholding of passports, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure from Sri Lanka, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous labor recruitment agencies—most of them members of Sri Lanka's Association of Licensed Foreign Employment Agencies—and their unlicensed sub-agents; some women migrants report being required to pay off recruitment fees through salary deductions in the destination country. Observers reported that unregistered recruiters increasingly sought to coerce potential recruits, especially women, into accepting jobs abroad by repeatedly loaning them money and then suggesting migrant work as the only viable way to repay the debt. Some recruitment agencies commit fraud by baiting and switching: they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. Some Sri Lankan women are subjected to forced prostitution in Jordan, Singapore, Maldives, and other countries.

Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for child sex tourism. Children, individuals with physical deformities, and those from socially vulnerable groups are forced to beg or engage in criminal activity in the cities of Colombo and Kandy. There have been reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement, which in total may indicate labor trafficking. A small number of women from Thailand, China, Egypt, and countries in South Asia, Europe, and the former Soviet Union have been subjected to forced prostitution in Sri Lanka in recent years.

The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued modest prevention efforts, including updating its national action plan, holding monthly inter-ministerial meetings, and launching awareness campaigns. Despite these measures, the government failed to demonstrate evidence of increasing overall efforts to address human trafficking over the previous reporting period; therefore, Sri Lanka is placed on Tier 2 Watch List. For the third year in a row, authorities failed to convict any traffickers under Sri Lanka's trafficking statute, and almost none of the traffickers convicted under the procurement statute served time in prison. Provisions for victim protection were inadequate, as the government provided no specialized services to male victims, incarcerated sex trafficking victims, and mixed child victims with criminals in state institutions. Authorities did not approve guidelines for victim identification and protection that were developed in 2012, though some agencies began implementing them anyway. However, authorities rarely enforced labor recruitment regulations and increasingly denied young Sri Lankan women

the legal permission to migrate for work, increasing the likelihood that women would use unregulated recruiters who are more likely to exploit migrant workers.

Recommendations for Sri Lanka:

Improve efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and convict and punish offenders; ensure identified victims, including men and children, receive specialized care services, including safe accommodation, psychosocial counseling, and legal assistance; investigate and prosecute government officials suspected of complicity in human trafficking; approve and fully implement procedures to proactively identify victims among vulnerable populations and refer them to care facilities; train local and national government officials on care and referral procedures; ensure that victims found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as migration violations or prostitution; train local law enforcement on investigation of cases and evidence-collection as well as the provisions of Article 360(c) of the penal code; continue to clarify the definition of human trafficking, as well as the differences between trafficking and crimes such as smuggling and prostitution, in training of officials; provide witness protection and incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, and counseling, and improve staff training at embassies in destination countries; promote safe and legal migration rather than imposing discriminatory policies; implement the provision of the Abu Dhabi Dialogue Framework for Regional Cooperation on reducing recruitment costs for migrants; increase the accessibility of information about the migration process to potential migrants before they decide to migrate; expand the Bureau of Foreign Employment's mandate to include the regulation of sub-agents; and accede to the 2000 UN TIP Protocol.

Prosecution

The Sri Lankan government made very limited law enforcement efforts to address human trafficking. Sri Lanka prohibits all forms of both sex and labor trafficking through Article 360(c) of its penal code, although the law also covers non-trafficking offenses, such as selling children. The law prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government investigated 20 new cases of trafficking in 2013, compared to 44 in 2012. Authorities prosecuted one case under Article 360(c), an increase from zero cases in 2012 and 2011, though it was a case of baby-selling. Authorities also prosecuted ten potential sex trafficking cases under Sri Lanka's procurement statute, which prescribes lesser penalties than Article 360(c). As in 2012 and 2011, Sri Lankan courts did not convict any traffickers under Article 360(c) in 2013, though one court convicted three defendants under Article 360(c) for baby-selling. Authorities also convicted 12 traffickers under the procurement statute; all but one of them received a suspended sentence. The government's reliance on procurement charges, and the absence of prosecutions under the trafficking statute, resulted from an inability or unwillingness on the part of police to thoroughly investigate potential human trafficking cases for elements of force, fraud, or coercion. Authorities provided training for 27 officers of the police's Women and Children's Bureau and 47 officers in the tourist police unit.

Government employees' suspected complicity in trafficking offenses remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were politically connected. Some sub-agents worked with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. Despite these

reports of complicity, the government did not report any investigations or prosecutions of government employees suspected of being complicit in human trafficking.

Protection

The government made limited progress in protecting victims of trafficking. Authorities did not approve standard operating procedures for the identification of victims and their referral to protective services that had been drafted in 2012; consequently, victims may not have been identified and inappropriately penalized for unlawful acts committed as a direct result of having been trafficked. Observers reported that Sri Lankan authorities jailed some sex trafficking victims for prostitution offenses. Some government officials had reportedly begun to implement the victim identification procedures. The police reported identifying 50 victims and an international organization identified 120 victims in 2013. The government was unable to identify the number of victims identified in 2012. While groundbreaking for a dedicated trafficking shelter for female victims occurred in December 2012, the shelter was not yet operational at the close of the reporting period. The shelter is funded by a foreign government and will be operated by an international organization; the Sri Lankan government contributed the land and building. The Bureau of Foreign Employment (SLBFE) continued to operate short-term shelters in Sri Lankan embassies and a transit shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. The government did not have any specialized care services available for male victims. Authorities held child victims in facilities housing juvenile criminals until they could be placed in a state-run or state-approved home. Overall funding for trafficking victim services remained inadequate. The government did not allocate any resources to repatriate victims exploited abroad. There was no information on whether the government encouraged victims to assist in the investigation and prosecution of trafficking cases. Some recruitment agencies reportedly hired thugs to threaten victims with retribution if they went to the police. The government did not provide foreign victims with legal alternatives to deportation to countries where they might face hardship or retribution.

Prevention

The Sri Lankan government made limited progress in its efforts to prevent trafficking. The inter-ministerial anti-trafficking taskforce continued to meet monthly and developed a 2013 update to its 2012 action plan; observers reported uneven implementation of the action plan, with most public awareness and training activities completed, while most government policy proposals were still on-going. The government's awareness campaigns targeted employees of estates, factories, and schools. The SLBFE increasingly denied young Sri Lankan women legal permission to work outside the country; evidence shows that restrictions such as these may drive these women to seek employment with unlicensed brokers and lead to increased human trafficking. Although the SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, migrant workers remained vulnerable. Authorities rarely enforced legal provisions governing fraudulent recruitment. The SLBFE, which had 15 police officers singularly tasked with identifying and apprehending illegal recruiters, fined recruitment agencies found guilty of fraudulent practices the equivalent of approximately \$11,000. The government has not taken steps to regulate sub-agents under the SLBFE. The National Child Protection Authority and an NGO developed brochures, tourist maps, and hotel door hangers warning of the legal penalties for acts of child sex tourism. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period. The government trained military personnel on human trafficking

prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.